

**Commercial Customs Operations  
Advisory Committee (COAC)  
Intelligent Enforcement Subcommittee  
Forced Labor Working Group  
Recommendations**

March 2021



## Forced Labor Working Group (FLWG)

The Trade Facilitation and Trade Enforcement Act of 2015 identified seven ‘Priority Trade Issues’ (PTIs) in order to focus CBP resources on risk-informed investment as well as enforcement and facilitation efforts on these high-risk areas that can cause significant revenue loss, harm the U.S. economy or threaten its health and safety<sup>1</sup>. The current PTIs are:

- i.) Agriculture and Quota;
- ii.) Antidumping and Countervailing Duties (AD/CVD);
- iii.) Free Trade Agreements (FTA);
- iv.) Import Safety;
- v.) Intellectual Property Rights (IPR);
- vi.) Revenue; and
- vii.) Textiles and Wearing Apparel.

CBP has briefed the FLWG on its intent to proceed with establishing Forced Labor as a Priority Trade Issue. COAC does not believe its role is to advise CBP on internal structuring and prioritization of subject matter topics. At the same time, we do believe several factors are critically important to consider to ensure a more holistic U.S. government-wide approach to addressing forced labor.

The following recommendations should be considered if CBP continues to move forward with adding Forced Labor as a Priority Trade issue.

1. COAC recommends CBP take a collaborative, multi-agency approach as forced labor laws, regulations, outreach and enforcement spans multiple government agencies such as the Department of Homeland Security; Immigration and Customs Enforcement; Department of Treasury; the Department of Labor, International Labor Affairs Bureau; Department of State’s Bureau of Democracy, Human Rights and Labor, Trafficking in Persons Office, Office of the U.S. Trade Representative, and the Economic and Business Affairs Bureau, etc. Including collaboration initiatives between the US and international agencies (e.g. U.S. Foreign assistance programs directed to mitigate forced labor practices at the source countries with localized government’s enforcement. To ensure a synchronized strategy, CBP should utilize the expert resources of all relevant US government agencies as well as engage more extensively in dialogue and priority setting with the trade.
2. COAC recommends CBP expand its collaboration and communication with trade sectors/industries, identifying and sharing best practices, including government to industry efforts to minimize forced labor in supply chains as highlighted in the ‘Industry Collaboration White Paper<sup>2</sup>’ submitted during COAC’s public meeting July 2020.
3. COAC recommends, consistent with GAO 2020 Forced Labor Imports Report<sup>3</sup> and as a broader interagency and trade sector strategy, CBP develop an objective methodology to

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<sup>1</sup> <https://www.cbp.gov/trade/priority-issues>.

<sup>2</sup> [https://www.cbp.gov/sites/default/files/assets/documents/2020-Jul/COAC%20IE%20Subcommittee%20Forced%20Labor%20Working%20Group%20Industry%20Collaboration%20Whitepaper%20July%202020\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2020-Jul/COAC%20IE%20Subcommittee%20Forced%20Labor%20Working%20Group%20Industry%20Collaboration%20Whitepaper%20July%202020_0.pdf)

<sup>3</sup> GAO recommended that CBP sets targets for key performance indicators related to the enforcement of the prohibition on forced labor imports and a baseline to monitor and evaluate the internal control system and establish activities to monitor performance measures of such measurements. <https://www.gao.gov/products/gao-21-106?source=widget>

measure ‘success’ in combatting forced labor in the supply chain. Successful measures should be based on outcome metrics (whether enforcement actions actually result in a reduction of or the elimination of forced labor, at the locations of alleged violators) that ultimately focus on the improvement of the communities this illegal practice most impacts, rather than the number of withhold release orders and detentions issued.

4. COAC recommends CBP apply the same principles, tools, guidance and outreach to forced labor as is the case with the other PTIs, that is, “world class expertise to design trade processes and policies that minimize cost and provide certainty, transparency, security, and predictability to members of the trade community.” <https://www.cbp.gov/trade/priority-issues>